

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

STATE OF TENNESSEE, AND  
COMMONWEALTH OF VIRGINIA,

*Plaintiffs,*

v.

No. 3:24-cv-33

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION,

*Defendant.*

**PLAINTIFFS' COMBINED MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND A PRELIMINARY INJUNCTION**

The State of Tennessee and Commonwealth of Virginia move for a temporary restraining order and a preliminary injunction under Federal Rule of Civil Procedure 65 enjoining the National Collegiate Athletic Association; its servants, agents, and employees; and all persons in active concert or participation with them, from enforcing its NIL-recruiting ban or taking any other action to prevent prospective college athletes and transfer candidates from engaging in NIL discussions prior to enrollment. For this Court's injunctive relief to be effective, the NCAA also must be enjoined from enforcing its Rule of Restitution (NCAA Bylaw 12.11.4.2) as applied to the NIL-recruiting ban. As explained in Plaintiffs' accompanying memorandum, Plaintiffs satisfy each requirement for the issuance of injunctive relief in this case. Because time is of the essence, Plaintiffs' request that a temporary restraining order issue by **Tuesday, February 6**—the day before the Division I football regular signing period opens.

Finally, Plaintiffs request that this Court exercise its discretion to waive the security requirement of Federal Rule of Civil Procedure 65(c).

Dated: January 31, 2024

Adam K. Mortara  
LAWFAIR LLC  
40 Burton Hills Blvd., Suite 200  
Nashville, TN 37215  
(773) 750-7154  
mortara@lawfairllc.com

Thomas R. McCarthy\*  
Cameron T. Norris  
David L. Rosenthal\*  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Suite 700  
Arlington, VA 22201  
(703) 243-9423  
tom@consovoymccarthy.com  
cam@consovoymccarthy.com  
david@consovoymccarthy.com

Patrick Strawbridge\*  
CONSOVOY MCCARTHY PLLC  
Ten Post Office Square  
8th Floor South PMB #706  
Boston, Massachusetts 02109  
(617) 227-0548  
patrick@consovoymccarthy.com

*Counsel for Plaintiffs*

*\*pro hac vice application forthcoming*

Respectfully submitted,

/s/ Cameron T. Norris

JONATHAN SKRMETTI  
ATTORNEY GENERAL OF TENNESSEE

LACEY E. MASE  
Chief Deputy Attorney General

J. DAVID MCDOWELL  
Deputy, Consumer Protection Division  
ETHAN BOWERS  
Senior Assistant Attorney General  
TYLER T. CORCORAN  
MARILYN GUIRGUIS  
Assistant Attorneys General

Office of the Attorney General and Reporter  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-8722  
Ethan.Bowers@ag.tn.gov  
Tyler.Corcoran@ag.tn.gov  
Marilyn.Guirguis@ag.tn.gov

*Counsel for Plaintiff State of Tennessee*

JASON S. MIYARES  
ATTORNEY GENERAL OF VIRGINIA

ANDREW N. FERGUSON  
Solicitor General

STEVEN G. POPPS  
Deputy Attorney General, Civil Division

/s/ Tyler T. Henry

TYLER T. HENRY\*  
Assistant Attorney General & Manager, Antitrust Unit

/s/ Jonathan M. Harrison II

JONATHAN M. HARRISON II\*  
Assistant Attorney General  
Consumer Protection Section

*Counsel for Plaintiff Commonwealth of Virginia*

## **CERTIFICATE OF SERVICE**

I certify that on January 31, 2024, Plaintiffs' counsel mailed a copy of the foregoing Motion, Memorandum in Support, and Supporting Exhibits to Defendant at the following address:

National Collegiate Athletic Association  
Attn: Scott Bearby, Senior Vice President of Legal Affairs and General Counsel  
1802 Alonzo Watford Senior Dr.  
Indianapolis, IN 46202  
Email copy to: sbearby@ncaa.org

/s/ Cameron T. Norris  
Cameron T. Norris